

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**UNITED STATES OF AMERICA**

**V.**

**JERMAINE RASHAD SMITH**

§  
§  
§  
§  
§

**CASE NO. 6:06cr88**

**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

By order, the undersigned referred this matter to the Honorable John D. Love, United States Magistrate Judge, at Tyler, Texas, for administration of a guilty plea under Rules 11 and 32 of the Federal Rules of Criminal Procedure. Judge Love conducted a hearing in the form and manner prescribed by Federal Rule of Criminal Procedure 11 and the Honorable John D. Love issued his *Report and Recommendation of the United States Magistrate Judge* [Clerk's doc. #22]. The Magistrate Judge recommended that the Court accept Defendant's guilty plea and conditionally accept his plea agreement. He further recommended that the undersigned finally adjudge Defendant as guilty on **Count Three** of the **Indictment** filed against Defendant in this cause.

The parties have not objected to the magistrate judge's findings. The Court is of the opinion that the *Report and Recommendation* should be accepted. It is accordingly **ORDERED** that the *Report and Recommendation* [Clerk's doc. #22] of the United States Magistrate Judge are **ADOPTED**. Defendant's guilty plea and the plea agreement are conditionally **ACCEPTED** by the Court at this time.

It is further **ORDERED** that, in accordance with Defendant's guilty plea and the magistrate judge's findings and recommendation, Defendant, Jermaine Rashad Smith, is hereby adjudged as

**GUILTY** on **Count Three** of the charging **Indictment**, conditioned upon the Court's final acceptance of the guilty plea and plea agreement at sentencing.

**SIGNED this 15th day of February, 2007.**

A handwritten signature in black ink, reading "Michael H. Schneider". The signature is written in a cursive, flowing style. The first name "Michael" is written with a large, prominent "M". The last name "Schneider" is written with a large, prominent "S". The signature is written over a horizontal line.

MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE